IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Bail Appl..No. 4193 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.1828/2007 Dated 28/03/2007
CRIME NO.161/06 OF RAMANKARI POLICE STATION, RAMANKARI

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PETITIONER : ACCUSED:

SUNILKUMAR @ SUNICHAN, COLONY NO.26,
BIJU BHAVAN, MAMPUZHAKARI, RAMANKARI P.O.

BY ADV. SRI.SAIBY JOSE KIDANGOOR
SRI.BENNY ANTONY PAREL

RESPONDENTS: STATE AND COMPLAINANT:

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE,
RAMANKARI POLICE STATION.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4193 OF 2007

Dated this the 16th day of July, 2007

ORDER

In favour of the petitioner, while disposing of an application under Sec.438 of the Cr.P.C., certain favourable observations were made. The petitioner did not comply with those observations and surrender before the learned Magistrate within the period stipulated. The petitioner has now come before this Court with a prayer for extension of time. That order was passed as early as on 28/3/07 and the petitioner was directed to appear before the learned Magistrate within two weeks. No satisfactory explanation is offered for not complying with the direction issued. Be that as it may, the direction only states that when the petitioner surrenders, the application must be considered in the light of the decision in

Sukumari v. State of Kerala (2001 (1) KLT 22). There is also a direction that the application must be disposed of preferably on the same day. These observations apply to all cases whether there is any previous direction to that effect or not. I am not satisfied that any further extension of time need be granted.

2. In the result this bail application is dismissed. Needless to say that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge